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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,491	09/15/1999	STANISLAV KHIRMAN	NARSP003	8814

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EXAMINER
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NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/397,491

Applicant(s)

KHIRMAN ET AL.

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-48 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 29-48 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 August 2004 has been entered.

***Response to Arguments***

Applicant's arguments with respect to claims 29-48 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 29-30, 33, 36, 38, 41-44, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4 672 572 A to Alsberg in view of US Patent Application Publication 2002/0133412 A1 to OLIVER et al.

Regarding claim 29, Alsberg discloses a method for use in a detector device ("protector device") for controlling access to

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information on a network including a plurality of interconnected devices (column 2, line 56-column 3, line 7), the detector device coupled to the network between a first device and a second device (column 2, lines 49-56), the method comprising:

monitoring, independent of the first device and the second device, a plurality of request signals for data between the first device and the second device in the network; (column 2, lines 56-65) and

determining whether a user identified by the user identification parameter is permitted access to the data. (column 7, lines 19-30)

Alsberg does not disclose wherein, in response to an operational failure within the detector device, allowing the plurality of request signals to pass uninterrupted between the first device and the second device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alsberg to allow the request signals to pass uninterrupted when the detector device becomes inoperable because one of ordinary skill would have recognized that, if the detector device were to fail, any request signals sent from the first device to the second device would not be detected by the detector device and thus would not be interrupted. This logically flows from the

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teachings of Alsberg since Alsberg teaches that the detector device is meant to be transparent from the first device and the second device (column 2, lines 19-24). Therefore, it would have been obvious to one of ordinary skill to achieve this limitation.

Alsberg does not expressly disclose wherein at least one request signal includes a user identification parameter; comparing a predetermined parameter associated with the user with a predetermined parameter associated with the data to determine permission to access the data; and in response to the comparison, providing a response to the request signal, however, Alsberg does disclose that a user identification parameter is used to uniquely identify a user (column 2, lines 59-65) and that the user identification parameter is sent after the request signal is sent (column 7, lines 11-52, specifically lines 16-22).

OLIVER discloses these limitations (paragraphs 0341-0347, specifically paragraphs 0343 and 0344).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of both references since OLIVER discloses that the process enables user access control through the use of predetermined parameters associated with the user and the data by comparing

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the parameters and adjusting the user's parameter based on the user's access pattern of the data (paragraphs 0017 and 0018). Given these specific advantages disclosed in OLIVER and that both references teach user access control to computers and data, one of ordinary skill would have appreciated the specific advantages OLIVER teaches and would have found it obvious to combine the teachings of these references since the references are analogous to one another based on their shared field of endeavor.

Claims 36, 42, and 43 are also rejected under 35 USC 102(e) since claims 36, 42, and 43 contain substantially the same limitations as recited in claim 29.

Regarding claim 30, Alsberg and OLIVER disclose a method of controlling access of claim 29.

Alsberg does not expressly disclose wherein the provided response comprises allowing access to the data when the predetermined parameter associated with the user is greater than or equal to a predetermined parameter associated with the data, however, OLIVER does disclose this limitation (paragraph 0332).

Claim 30 is rejected since the motivations regarding the obviousness of claim 29 also apply to claim 30.

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Claims 38 and 44 are also rejected under 35 USC 102(e) since claims 38 and 44 contain the same limitations as recited in claim 30.

Regarding claim 33, Alsberg and OLIVER disclose the method of claim 29.

Alsberg does not disclose wherein the predetermined parameter is one from a group comprising a positive monetary value, a positive time value, a bandwidth value, a quality of service value, and a content rating, however, OLIVER does disclose this limitation (paragraphs 120 and 330-333)

Claim 33 is rejected since the motivations regarding the obviousness of claim 29 also apply to claim 33.

Claims 41 and 47 are also rejected under 35 USC 103(a) since claims 41 and 47 contain the same limitations as recited in claim 33.

Claims 31-32, 35, 37, 39-40, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alsberg and OLIVER et al. as applied to claim 29 above, and further in view of US Patent 6 272 535 B1 to Iwamura.

Regarding claim 31, Alsberg and OLIVER disclose a method of controlling access of claim 29.

Alsberg and OLIVER do not expressly disclose wherein the provided response comprises allowing access to the data when the

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predetermined parameter associated with the user is less than or equal to a predetermined parameter associated with the data, however, Iwamura does disclose these limitations (column 20, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow access to the data when the predetermined associated with the user is less than or equal to a predetermined parameter associated with the data because since Iwamura discloses that these limitations allow a user to access low quality information for the purposes of advertisement only [column 20, lines 62-67], one of ordinary skill would have known that users are willing to accept lower quality services for a reduced or no charge and would have combined these teachings with the method of controlling access in order to provide a choice of quality in services to the user. Therefore, one of ordinary skill would have appreciated the specific advantages taught in Iwamura and would have combined the teachings of Alsberg, OLIVER, and Iwamura since these references are analogous to one another based on their shared field of endeavor, namely user access control to data.

Claims 35 and 45 are also rejected under 35 USC 103(a) since claims 35 and 45 are subject to the same references



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applied to claim 31 and motivations regarding the obviousness of claim 31.

Claim 37 is also rejected under 35 USC 103(a) since claim 37 contains the same limitations as recited in claim 31.

Claim 40 is also rejected under 35 USC 103(a) since claim 40 contains the same limitations as recited in claim 35.

Regarding claim 32, Alsberg and OLIVER disclose the method of claim 29.

Alsberg and OLIVER do not expressly disclose wherein the provided response comprises re-directing the data signal to a third device in response to the predetermined parameter associated with the user being less than the predetermined value associated with the data, the third device allowing for a re-setting of the predetermined parameter to a new parameter comprising a value greater than or equal to the predetermined parameter associated with the data, however, Iwamura does disclose these limitations (column 6, lines 20-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to re-set the predetermined parameter associated with the user to a new parameter comprising a value greater than or equal to the predetermined value parameter associated with the data since Iwamura discloses that these limitations allow a user to quickly

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and efficiently re-set a predetermined parameter associated with the user to a new parameter comprising a value greater than or equal to a predetermined value parameter associated with the data (column 6, lines 20-30, specifically lines 27-30). One of ordinary skill would appreciate the advantage of being able to quickly and efficiently re-set the predetermined parameter associated with the user without having to do so at another location and would have combined the teachings of both references in order to achieve a more time-efficient invention as claimed. Therefore, one of ordinary skill would have appreciated the specific advantages taught in Iwamura and would have combined the teachings of Alsberg, OLIVER, and Iwamura since these references are analogous to one another based on their shared field of endeavor, namely user access control to data.

Claims 39 and 46 are also rejected under 35 USC 103(a) since claims 39 and 46 contain the same limitations as recited in claim 32.

Claims 34 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alsberg and OLIVER et al as applied to claim 33 above, and further in view of US Patent 5 917 822 A to Lyles et al.

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Regarding claim 34, Alsberg and OLIVER disclose the method of claim 33.

Alsberg and OLIVER do not expressly disclose the method further comprising allowing access to one from a group comprised of voice data, video data, and a real-time application in response to at least one of the bandwidth value or quality of service value being greater than or equal to a threshold parameter, however, Lyles does disclose these limitations (column 1, line 66-column 4, line 56; column 5, line 8-column 6, line 26, specifically column 5, lines 24-43 and column 5, line 62-column 6, line 7)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Lyles discloses that the method of allowing access enables providing user specific services based on threshold values such as bandwidth and quality of service. Therefore, one of ordinary skill would appreciate the specific advantages taught in Lyles and found it obvious to combine the teachings of Alsberg, OLIVER, and Lyles since these references are analogous to one another based on their shared field of endeavor, namely user access control to data.

Claim 48 is also rejected under 35 USC 103(a) since claim 48 contains the same limitations as recited in claim 34.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

William C. Vaughn Jr.  
Primary Examiner  
Art Unit 2143  
William C. Vaughn Jr.